

North 70th and Arbor Road

Applicant	Location	Proposal
Peter Katt, on behalf of Dwaine Rogge	North 70 th and Arbor Road - Lot 32 Irregular Tract, SE 1/4, Section 28, Township 11 North, Range 7 East, Lancaster County, Nebraska	Change portion of property designated “Environmental Resources” to “Industrial”
Recommendation: Defer As requested, additional information was provided by the applicant. A review of these materials has not yet been completed.		

Status/Description

The applicant is proposing to:

- 1) Amend the Comprehensive Plan’s land use map for a portion of the parcel from “Environmental Resources” to “Industrial.” The “Environmental Resources” designation should be removed from all areas of the parcel other than the “Mitigation” and “Preserved” areas. (See attached map) The applicant states that the Plan did not have accurate information regarding the locations of the wetlands on the parcel.

The Lincoln-Lancaster County 2025 Comprehensive Plan currently designates this property “Environmental Resources” and “Industrial” on the future land use plan map. The property immediately west of this property is designated “Environmental Resources” and “Commercial.”

The “Environmental Resources” land use designation shows a number of sensitive environmental resources that were identified during the development of the 2025 Comprehensive Plan. Areas mapped as saline wetlands received additional discussion, due to the status of the Salt Creek Tiger Beetle, which is listed on the State of Nebraska’s Endangered Species list. The U.S. Fish and Wildlife Service has identified the Salt Creek Tiger Beetle as a “candidate species” for potential listing on the Endangered Species list. Saline wetlands also provide habitat for the Saltwort, another species on the State’s endangered list. In response to the U.S. Fish and Wildlife Service (USFWS) concern of continued development in the areas close to the Salt Creek Tiger Beetle’s habitat, a committee of scientists, environmentalists, development interests and landowners, among others were brought together to assess the situation and provide policy recommendations for adoption in the Plan.

The latest saline wetland information utilized by City of Lincoln and Lancaster County during the development of the 2025 Comprehensive Plan is derived from the Resource Categorization of Nebraska’s Eastern Saline Wetlands project, which was completed in 1994 by a coordinating group consisting of the Nebraska Game and Parks Commission, Nebraska Department of Environmental Quality, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and U.S. Environmental Protection Agency.

The 2025 Comprehensive Plan's future land use map designated specific areas as "Environmental Resources" consisting of Category I and II saline wetlands located outside the city limits, and included a 500 foot buffer zone. Other sensitive natural and environmental resources were also included in the "Environmental Resources" category. This policy, adopted as part of the 2025 Comprehensive Plan in May 2002, is an interim policy measure. The Plan states on page F 58 to: "Identify specifically targeted saline wetlands and accompanying 500 foot buffer ones in the Comprehensive Plan until additional baseline research can be completed."

The "Environmental Resources" designated on the adjacent property are Category II saline wetlands. This wetland is located in close proximity to the west property line of the applicant's land. The Comprehensive Plan requires a buffer of 500 feet from this saline wetland. This buffer is shown on a portion of the applicant's property. No additional information has been provided on the status of the saline wetlands on the abutting property.

Comprehensive Plan Implications

The Lincoln-Lancaster County 2025 Comprehensive Plan provides general policy guidance. The Planning Commission and City Council can judge whether or not the spirit and intent of the Plan are being met on a case-by-case basis without requiring a Plan amendment. On page F 16 of the Plan it states: "Natural and environmentally sensitive areas are preserved and thrive. Wetlands, native prairies and stream (riparian) corridors are preserved to ensure the ecological health of the community."

"Environmental Resources" and saline wetlands are referenced in several places in the Lincoln-Lancaster County 2025 Comprehensive Plan. Statements in the Plan specific to saline wetlands as well as habitat protection policy guidance include the following references:

On page F 22 of the Plan it states: "**Environmental Resources:** Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors. Such areas may be either publicly or privately owned."

Saline and freshwater wetlands were selected as one of three "Core Resource Imperatives." These imperatives were selected from the thirteen resource features in the Plan as those that should receive the greatest consideration in the long range planning process.

On page F 54 of the Plan it states: "The "Core Resource Imperatives" uniquely contribute to the natural resource heritage of the region and whose safe-guarding for future generations is indispensable."

On page F 54-55 of the Plan it states: "**Saline and Freshwater Wetlands** – Wetlands provide distinctive habitat opportunities for various plants and animals, as well as offering flood control and water filtration benefits. Lancaster County is home to about 1,200 acres of very rare Eastern

Nebraska Saline Wetlands. These wetlands offer a specialized habitat to several threatened and endangered species, including the Saltwort and Salt Creek Tiger Beetle. Lancaster County is the only place in the world where the Tiger Beetle exists. Owing to a dwindling Beetle population and the growth of the city, the National Fish and Wildlife Service is considering placing the Beetle on the Federal Threatened and Endangered Species list. The City and County are investigating ways to protect and preserve the unique habitat offered by the saline wetlands. This may include a blend of land uses stressing education, parks, floodplain, and low intensity development.”

On page F 56 of the Plan it states: “*Preserve ecological protection areas* - Protect areas that are biologically interconnected to support bird, animal, and insect migration and supporting vegetation. Examples are stream beds and wooded corridors, prairie land, and saline wetlands.”

On page F 58 of the Plan it states: “Research and seek implementation of procedures for managing lands containing and that are located near saline wetlands. Desirably this research would be conducted at the watershed level to provide a broad perspective of how area-wide development will interact with this natural resource. A special treatment buffer along the perimeter of saline wetlands could reduce the impact of increased runoff, sedimentation, and other pollutants. Such buffers could also serve to provide support for the preservation of habitat areas for the county’s threatened and endangered species.”

On page F 58-59 of the Plan it states: “**Salt Creek Tiger Beetle** - In conjunction with research into saline wetland preservation, determine measures that could be taken to enhance and maintain these areas as Salt Creek Tiger Beetle habitat. This may include authorizing or soliciting funding for hydrology or hydrogeology research of the habitat area, determining basin-wide impacts of land use and human activities on the wetlands, characterizing the Tiger Beetle’s biology and habitat, and assessing the economic impacts of potential management efforts. A management plan for the Salt Creek Watershed and Tiger Beetle habitat should be prepared by December, 2002.

The Nebraska Game and Parks Commission is leading an effort to develop an “Implementation Plan for the Conservation of Nebraska’s Eastern Saline Wetlands.” Their work is underway and a report is expected to be distributed in 2003.

Identify specifically targeted saline wetlands and accompanying 500 foot buffer zones in the Comprehensive Plan until additional baseline research can be completed. This can be a first step in initiating on-going formal partnerships between the City and other entities to address saline wetland protection. Landowners in the area should be offered assistance concerning existing programs to preserve wetlands and transition lands occurring on private property.

Prioritize land acquisition in the Salt Creek Watershed that protects Tiger Beetle habitat. Also investigate incentives allowing land owners to pursue voluntary purchases, conservation easements, or other similar preservation options.”

On page F 63 of the Plan it states: “**CURRENT PLANNING AND DEVELOPMENT** - Include the consideration of the “Core Resource Imperatives” and other natural resource features

in the plan review process — i.e., subdivision plats, changes of zone, use permits, etc. This may involve preparing written guidelines for looking at site vulnerability, habitat fragmentation, long term land manageability, green space connectedness, and other elements that implement the Plan's natural resources concepts.”

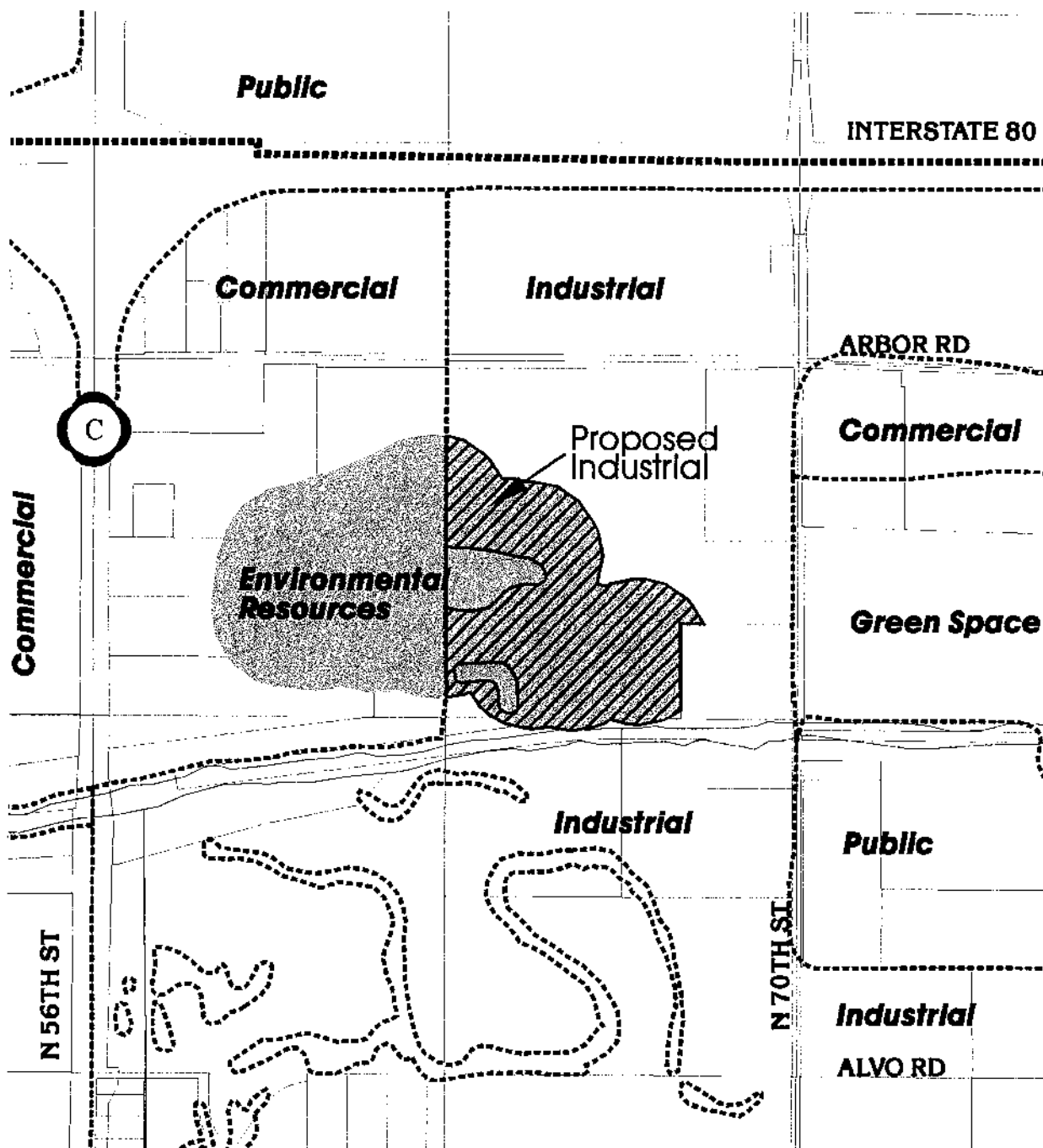
The Plan provides guidance for both the protection of saline wetlands, as well as the appropriate use of adjacent lands where it is demonstrated on a case-by-case basis that the spirit and intent of the Plan is being met.

Conclusion

The Comprehensive Plan allows for additional baseline information to be reviewed in regards to saline wetlands. New information provided through the review of specific development requests may present more accurate data concerning areas identified as “Environmental Resources.” If the information provided by the applicant identifies that the new baseline data accurately reflects the current condition of the saline wetlands, then amending the Plan would be appropriate. However, the buffer on the western most 500 feet to protect the saline wetlands on the abutting property should be maintained.

The applicant's February 21st, 2003 submittal did not provide the documentation necessary to review the proposal and provide a recommendation. It is also not clear whether the fill and mitigation work in the wetlands has already been completed. On April 23rd, the applicant submitted additional information on the wetlands. Until the review of this information is completed the proposed amendment should be deferred. The reviewing agencies include the City of Lincoln, Lower Platte South Natural Resources District, Nebraska Game and Parks Commission and the U.S. Fish and Wildlife Service. The U.S. Corp of Engineers may be also consulted.

A revised staff report, if necessary, is hoped to be completed and available for the May 21st Planning Commission public hearing.



N. 70th & Arbor Rd

Comprehensive Plan Proposed Amendment # 16

- Future Service Limit
- Land Use Boundary
- Res** Land Use Category
-  From Environmental Resources to Industrial
-  Environmental Resources



Comprehensive Plan
Questionnaire Response

Question 1: This amendment would change the land use map on a portion of the identified parcel from "Environmental Resources" to "Industrial". The County Assessor's parcel map is attached identifying the property. The legal description for the parcel is: Lot 32, Irregular Tract located in the SE1/4, Section 28, Township 11 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska.

Letters from the Army Corps of Engineers are attached regarding the Wetlands on site and the creation of an mitigation site. The remaining Wetlands on the site are shown on the attached Conceptual Site Plan. The "Environmental Resources" designation should be removed from all areas of the parcel other than the "Mitigation" and "Preserved" areas and replaced with an "Industrial" designation.

Question 2: The current Comprehensive Plan did not have accurate information regarding the locations of Wetlands on the parcel. This amendment is intended to refine, not change the Comprehensive Plan.

Question 3: There will be no impacts caused by this proposal. It is simply a correction of inaccurate information in the Comprehensive Plan..

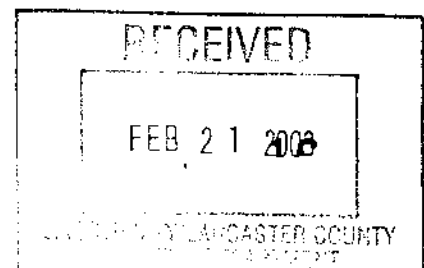
Question 4: This proposal is in total compliance with all aspects of the Comprehensive Plan.

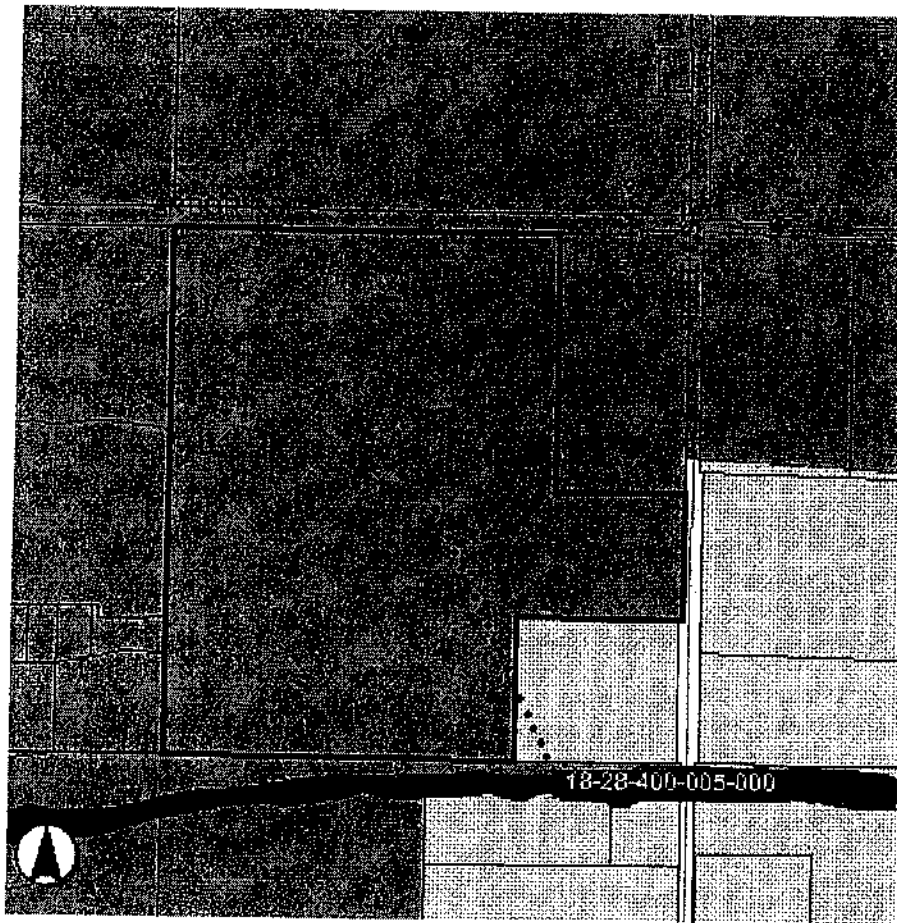
Question 5: This does not apply since this simply corrects a mapping error.

Respectfully submitted:

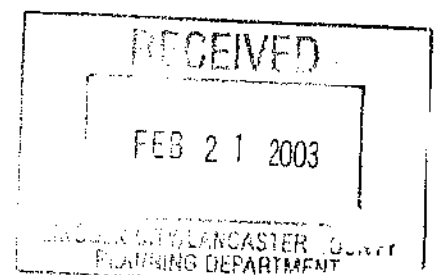
Dwaine W. Rogge

By: Peter W. Katt
Peter W. Katt, attorney, #18096





18-28-400-005-000





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
215 NORTH 17TH STREET
OMAHA, NEBRASKA 68102-4978

April 18, 2000

Nebraska Regulatory Office - Wehrspann
8901 South 154th Street
Omaha, Nebraska 68138-3621

Dwaine W. Rogge
850 NBC Center
Lincoln, NE 68508

Dear Mr. Rogge:

RE: Rogge Development

Reference your application requesting a Department of the Army application for the placement of fill material to grade the site for an industrial development. This project impacts .44 acres of Cat IV and 1.03 acres of Cat III wetlands. This site is identified as being located in the Southeast quarter of Section 28, Township 11 North, Range 7 East, Lancaster County, Nebraska. Based on the information provided, it has been determined that the proposed activity is authorized by Nationwide Permit 26, found in the December 13, 1996 Federal Register: Final Notice of Issuance, Reissuance and Modification of Nationwide Permits (61 FR 65874). Enclosed is a fact sheet which describes this nationwide permit, the general conditions and/or Section 404 conditions, as well as the Section 401 Water Quality Certification conditions, which must be adhered to for this authorization to remain valid.

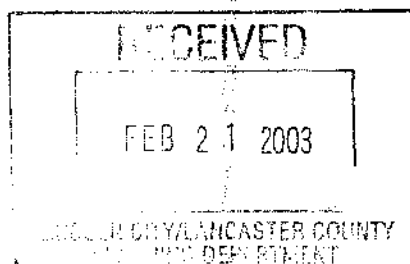
This authorization is valid under the following condition(s):

In cases of fill into special aquatic sites (including wetlands), losses of such special aquatic sites shall be mitigated by restoring or creating equivalent replacement habitat either on-site or at a suitable off-site location at a minimum ratio of 1.5 acres of restored or created habitat for every 1.0 acre of affected area or by utilizing mitigation from an acceptable and established wetland mitigation bank.

This project will be mitigated by creating 3.75 acres of Cat III Freshwater wetlands on saline soils. To further protect this area, a 30-foot vegetated buffer around the mitigation site is required. The buffer will need to be planted in native grasses and forbs.

The development of the wetland mitigation area shall precede or be done concurrently with the filling of the existing wetlands at the impact site.

Temporary fills in special aquatic sites authorized under this nationwide permit shall not require mitigation, but shall be removed in their entirety with the affected areas returned to their preexisting elevation.



A monitoring report will need to be submitted to this office at the end of each growing season following completion of the mitigation site for a period of three years utilizing sampling methodology in Part IV, Section E of the Corps' 1987 Wetland Delineation Manual. Each report shall document the existing vegetative and hydrologic conditions at each observation point and include detailed photographs referenced to a mitigation site plan. A sample monitoring report is enclosed to demonstrate the information required by this office. At the end of three years, the Corps of Engineers shall determine whether the mitigation is successful. If the reports indicate failure of the mitigation site, modifications may be necessary to ensure success and additional monitoring will be required.

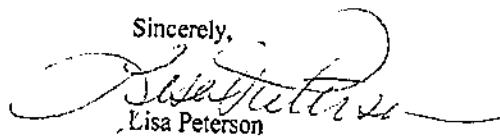
Although an Individual Department of the Army permit will not be required for the project, this does not eliminate the requirement that you obtain any other applicable federal, state, tribal or local permits as required. Please note that deviations from the original plans and specifications of your project could require additional authorization from this office.

Should you at any time, become aware that either an endangered and/or threatened species or its critical habitat exists within the project area, you must notify this office. In addition, you are responsible for all work accomplished in accordance with the terms and conditions of the nationwide permit. If a contractor or other authorized representative will be performing the work authorized by the nationwide permit on your behalf, we strongly recommend that they be provided a copy of this letter and the attached conditions so that they are aware of the limitations of the permit. Any activity which fails to comply with all the terms and conditions of the permit will be considered unauthorized and subject to appropriate enforcement action.

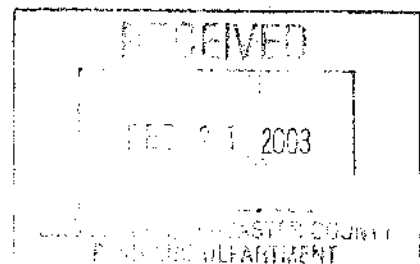
Based on the information provided, it has been determined that the proposed activity is authorized by Nationwide Permit 26, found in the December 13, 1996 Federal Register: Final Notice of Issuance, Reissuance and Modification of Nationwide Permits (61 FR 65874). This verification is valid until Nationwide Permit 26 expires. As announced in the July 21, 1999 issue of the Federal Register (Vol. 64, No. 139), the Corps has extended the expiration date of Nationwide Permit 26 to June 7, 2000. If your authorized work extends beyond the applicable expiration date and you have commenced, or are under contract to commence, you will have 12 months from the expiration date to complete the activity under the present terms and conditions of the nationwide permit.

If there are any questions concerning this authorization, please contact me at the letterhead address or telephone (402) 896-0896 and reference file number 2000-10181.

Sincerely,


Lisa Peterson
Project Manager

CF: NDEQ (Bender)
Olsson Associates (Mielke)





REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
215 NORTH 17TH STREET
OMAHA, NEBRASKA 68102-4978

April 18, 2000

RECEIVED

APR 21 2000

OLSSON ASSOCIATES

Nebraska Regulatory Office - Wehrspann
8901 South 154th Street, Suite 1
Omaha, Nebraska 68138-3621

Dwaine W. Rogge
850 NBC Center
Lincoln, NE 68508

Dear Mr. Rogge:

Reference your application dated January 14, 2000, requesting a Department of the Army permit to install three crossings to unnamed tributaries adjacent to Salt Creek in Section 28, Township 11 North, Range 7 East, Lancaster County, Nebraska.

Based on the information provided, it has been determined that the proposed activities are authorized by **Nationwide Permit 14**, found in the December 13, 1996 Federal Register: Final Notice of Reissuance and Modification of Nationwide Permits (61 FR 65874).

Enclosed is a fact sheet which describes this nationwide permit, the general conditions and/or Section 404 conditions, which must be adhered to for this authorization to remain valid. Any deviations to the original plans and specifications of your project could require additional authorization from this office. This authorization does not eliminate the need to obtain other applicable federal, tribal, state or local permits.

This verification is valid for two years from the date of this letter. In compliance with General Condition 14, the attached compliance certification form must be signed and returned to this office upon completion of the authorized work and any required mitigation.

Should you, at any time, become aware that either an endangered and/or threatened species or its critical habitat exists within the project area, you must immediately notify this office. In addition, you are responsible for all work accomplished in accordance with the terms and conditions of the nationwide permit. If a contractor or other authorized representative will be performing the work authorized by the nationwide permit on your behalf, we strongly recommend that they be provided a copy of this letter and the attached conditions so they are aware of the limitations of this permit. Project activities which fail to comply with the terms and conditions of this permit will be considered unauthorized and subject to appropriate enforcement actions.

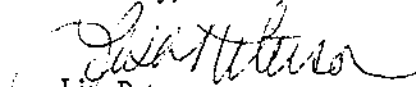
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FEB 21 2003

LINCOLN CITY/LANCAST
PLANNING DEPARTMENT

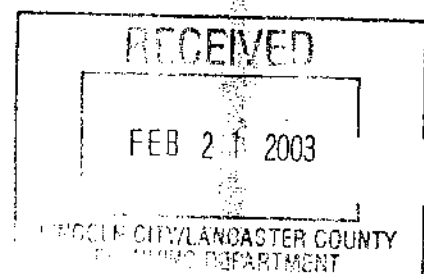
4023415895 P.5
If you have any questions concerning this authorization, please contact me at (402) 896-0896 and reference file number NE 2000-10507.

Sincerely,

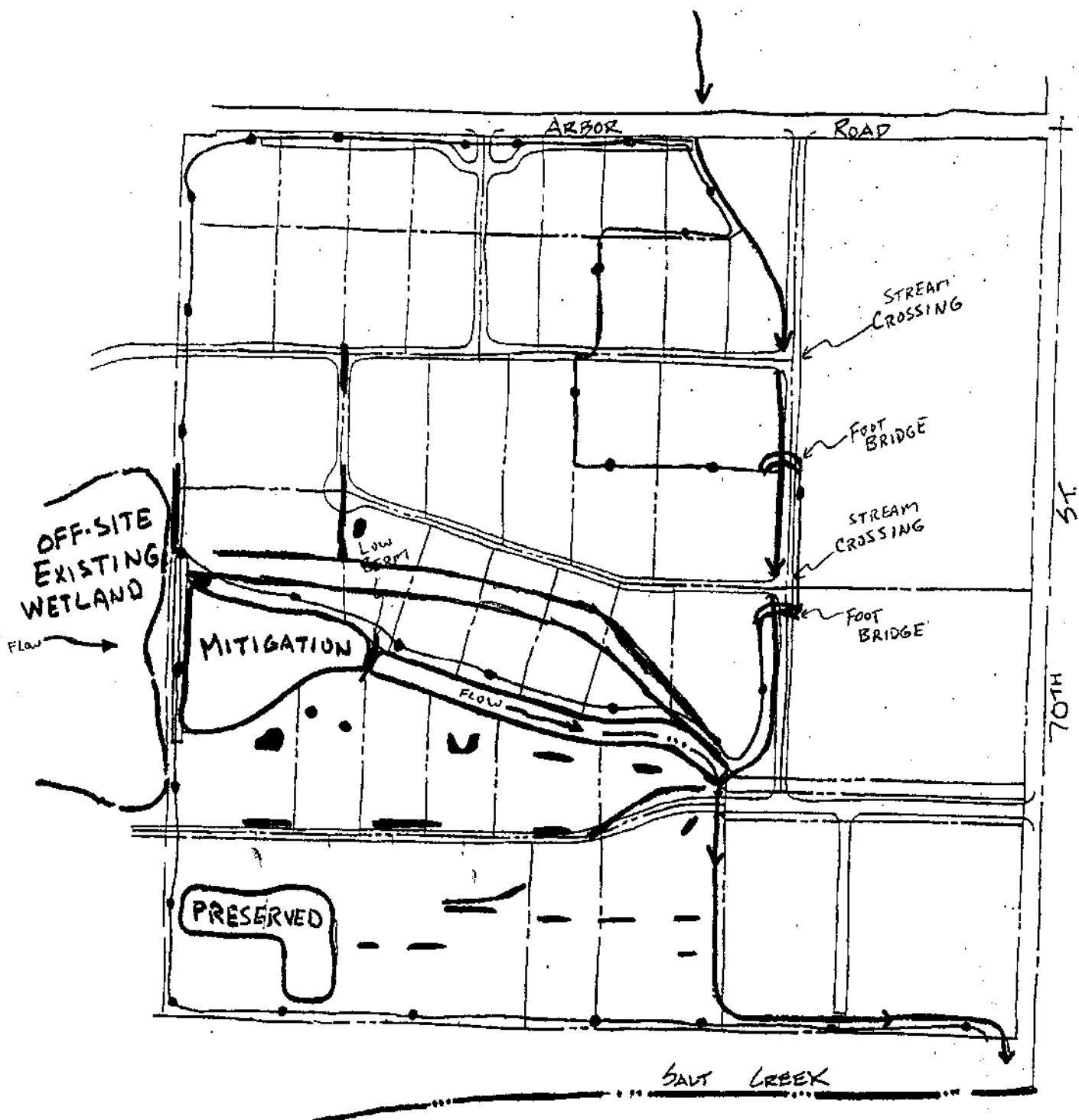


Lisa Peterson
Project Manager

Enclosure
CF: NE DEQ (Bender)



LISA PETERSON



SITE PLAN

SCALE 1"=400'

RECEIVED

FEB 21 2003

OFFICE OF LANCASTER COUNTY
PLANNING AND ZONING

- Impacted Wetlands
- WALKING TRAIL
- - - - - DRAINAGE / STREAM
- ~~~~~ WETLAND / MITIGATION
- - - - - LOT LINES